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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/538,611	03/29/2000	Anoop Gupta	MS1-278US	8373

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EXAMINER
TODD, GREGORY G

ART UNIT	PAPER NUMBER
2157	

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>07 September 2004</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-26 and 38</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-26 and 38</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

This is a third office action in response to applicant's amendment and request for

continued examination filed, 07 September 2004, of application filed, with the above

serial number, on 29 March 2000 in which claims 1, 13, 17, and 38 have been amended

and claims 27-29, 31, 34-37, and 39 have been subsequently cancelled. Claims 1-26,

and 38 are therefore pending in the application.

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

2.   Claim 1 recites the limitation "the first amount" in line 11. There is insufficient

antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by
another filed in the United States before the invention by the applicant for patent or (2) a patent
granted on an application for patent by another filed in the United States before the invention by the
applicant for patent, except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application filed in the United States
only if the international application designated the United States and was published under Article 21(2)
of such treaty in the English language.

4.   Claim 13 is rejected under 35 U.S.C. 102(e) as being anticipated by Ogdon et al

(hereinafter "Ogdon", 6,161,137).

As per Claim 13, Ogdon discloses an apparatus for use in a network system,

wherein Ogdon discloses:

a receiving component to receive a plurality of media streams from a server

computer in the network system (dynamically and adaptively transmitting for

synchronous, real-time presentation stream between clients) (at least col. 3, lines 30-63;

col. 2, lines 49-66);

a synchronizing component, coupled to the receiving component, to determine if

the plurality of media streams have become globally unsynchronized (dynamically and

adaptively transmitting for synchronous, real-time presentation stream between clients)

(at least col. 3, lines 30-63); and

a timeline modification component, coupled to the synchronizing component, to

alter the presentation timeline of at least one of the media streams if the plurality of

media streams become globally unsynchronized (audio / video segments sync for

dynamically and adaptively transmitting for synchronous, real-time presentation stream

between clients) (at least col. 4, lines 24-40; col. 6, lines 9-26; col. 3, lines 30-63).

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 1, 2, 7-12, 17-20, 25-26, and 38 rejected under 35 U.S.C. 103(a) as being

unpatentable over Ogdon et al (hereinafter "Ogdon", 6,161,137) in view of Sampat et al

(hereinafter "Sampat", 6,279,029).

As per Claim 1 and 12, Ogdon discloses a method and computer-readable

memory for use in a client computer, wherein Ogdon discloses:

receiving at the client computer a media stream from a server computer in a

network system, the media stream being simultaneously streamed to multiple client

computers (at least col. 12, lines 9-62);

detecting when the media stream received from the server computer in the

network system has become globally unsynchronized with a corresponding media,

stream being streamed to another client computer, the media stream being globally

unsynchronized when the media in the buffer is greater than a first amount or is less

than a second amount (dynamically and adaptively transmitting for synchronous, real-

time presentation stream between clients) (at least col. 3, lines 30-63); and

altering a presentation of the media stream in order to resynchronize the media

stream (dynamically and adaptively transmitting for synchronous, real-time presentation

stream between clients) (at least col. 3, lines 30-63).

Ogdon fails to explicitly teach such altering and synchronization occurring at the

client computer system. However, the use and advantages for using such client-side

altering is well known to one skilled in the art at the time the invention was made as

evidenced by the teachings of Sampat. Sampat teaches the client having a media sync

manager for synchronization of streams (see col. 30 line 55 - col. 32 line 5). Sampat

further teaches if a stream lags or leads another stream by a threshold amount, it being

unsynchronized. Therefore, it would have been obvious to one of ordinary skill in the art

at the time the invention was made to incorporate the use of Sampat's client-sided

stream synchronization with Ogdon's system as Ogdon teaches synchronizing

streaming content to multiple clients in, for example, real time so that all clients receive

the content simultaneously, and Sampat's system would improve on such by allowing

Ogdon to still stream, for example, full resolution streams and having Sampat's client

adjust such playing/viewing in order to be synchronized with a global time.

As per Claim 2.

wherein the altering includes altering the media stream (at least col. 3, lines 30-

63).

As per Claim 7.

jumping ahead to a later presentation time (skip portion of presentation) (at least

col. 25, lines 63-14).

As per Claim 8.

pausing the presentation of the media stream (at least col. 13, lines 2-19; col. 25,

lines 5-13).

As per Claim 9.

storing at least a portion of the media stream in a data buffer (at least col. 27,

lines 17-19; col. 6, lines 9-26); and

wherein the detecting comprises comparing the amount of data stored in the data

buffer with a threshold (segment amount being timely cached) (at least col. 6, lines 9-

26).

As per Claim 10 and 25.

detecting when the media stream has been globally resynchronized (dynamically

and adaptively transmitting for real-time presentation stream between clients) (at least

col. 3, lines 30-63); and

altering the presentation of the media stream when the media stream has been

globally resynchronized (adaptively transmitting for simultaneous presentation stream)

(at least col. 3, lines 30-63).

As per Claim 11 and 26.

wherein the altering of the presentation timeline of the media stream when the

media stream has been globally resynchronized comprises altering the presentation

timeline to be the same as it was when the media stream was globally unsynchronized

(control signals to sync for simultaneous presentation) (at least col. 3, lines 30-63; col.

6, lines 9-26; col. 4, lines 24-40).

As per Claim 17, Ogdon discloses a computer-readable storage medium

containing a program for resynchronizing a media stream, wherein Ogdon discloses:

receiving, from a server computer in the network, a composite media stream

including a plurality of media streams (presentation consisting of one or more

segments) (at least col. 2, lines 36-42);

detecting when the plurality of media streams have become globally

unsynchronized (dynamically and adaptively transmitting for synchronous, real-time

presentation stream between clients) (at least col. 3, lines 30-63); and

altering a timeline of at least one of the media streams in order to resynchronize

the media streams (audio / video segments sync for dynamically and adaptively

transmitting for synchronous, real-time presentation stream between clients) (at least

col. 4, lines 24-40; col. 6, lines 9-26; col. 3, lines 30-63).

Ogdon fails to explicitly teach such altering and synchronization occurring at the

client computer system. However, the use and advantages for using such client-side

altering is well known to one skilled in the art at the time the invention was made as

evidenced by the teachings of Sampat. Sampat teaches the client having a media sync

manager for synchronization of streams (see col. 30 line 55 - col. 32 line 5). Sampat

further teaches if a stream lags or leads another stream by a threshold amount, it being

unsynchronized. Therefore, it would have been obvious to one of ordinary skill in the art

at the time the invention was made to incorporate the use of Sampat's client-sided

stream synchronization with Ogdon's system as Ogdon teaches synchronizing

streaming content to multiple clients in, for example, real time so that all clients receive

the content simultaneously, and Sampat's system would improve on such by allowing

Ogdon to still stream, for example, full resolution streams and having Sampat's client

adjust such playing/viewing in order to be synchronized with a global time.

As per Claim 18.

wherein the detecting comprises comparing current presentation times of the

plurality of media streams to one another, and wherein the altering comprises altering

the media stream of the plurality of media streams having a presentation is time that is

lagging behind the presentation times of one or more of the other media streams

(halting / skipping portion of presentation running behind) (at least col. 25, lines 5-13,

63-14).

As per Claim 19.

wherein the detecting comprises comparing current presentation times of the

plurality of media streams to one another, and wherein the altering comprises altering

the media stream of the plurality of media streams having a presentation time that is

ahead of the presentation times of one or more of the other media streams (halting /

skipping portion of presentation running behind) (at least col. 25, lines 5-13, 63-14).

As per Claim 20.

wherein the altering comprises altering each media stream of the plurality of

media streams (first and second segments being synchronized) (at least col. 3, lines 30-

63).

As per Claim 38, Ogdon discloses a networked client/server system, wherein

Ogdon discloses:

a network server (at least col. 3, lines 38-44);

a plurality of network clients that communicate with the network server over a

data communications network (at least col. 3, lines 38-44);

a plurality of composite media streams available from the network server, each

composite media stream comprising a plurality of individual media streams that can be

rendered by the network clients to produce different types of user perceivable media (at

least col. 2, lines 25-35); and

the network clients each including a synchronizing component to determine if one

of the individual media streams is out of synchronization with a corresponding media

stream at another of the plurality of network clients, and a timeline modification

component to alter the timeline of an individual media stream when it is out of

synchronization (dynamically and adaptively transmitting for synchronous, real-time

presentation stream between clients) (at least col. 3, lines 30-63).

Ogdon fails to explicitly teach such modification occurring at the client computer

system. However, the use and advantages for using such client-side altering is well

known to one skilled in the art at the time the invention was made as evidenced by the

teachings of Sampat. Sampat teaches the client having a media sync manager for

synchronization of streams (see col. 30 line 55 - col. 32 line 5). Sampat further teaches

if a stream lags or leads another stream by a threshold amount, it being

unsynchronized. Therefore, it would have been obvious to one of ordinary skill in the art

at the time the invention was made to incorporate the use of Sampat's client-sided

stream synchronization with Ogdon's system as Ogdon teaches synchronizing

streaming content to multiple clients in, for example, real time so that all clients receive

the content simultaneously, and Sampat's system would improve on such by allowing

Ogdon to still stream, for example, full resolution streams and having Sampat's client

adjust such playing/viewing in order to be synchronized with a global time.

7.   Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Ogdon in view of Carmel et al (hereinafter "Carmel", 6,397,230).

As per Claim 14.

Ogdon fails to explicitly disclose compressing a presentation timeline of the

media stream. However, the use and advantages for using such a synchronous

communication is well known to one skilled in the art at the time the invention was made

as evidenced by the teachings of Carmel (at least col. 13, lines 25-62). Therefore, it

would have been obvious to one of ordinary skill in the art at the time the invention was

made to incorporate and implement the use of presentation compression of a portion of

a composite stream as this is a very well know method to synchronize an

unsynchronized stream or presentation.

As per Claim 15.

Ogdon fails to explicitly disclose omitting selected frames from the media stream.

However, the use and advantages for using such a synchronous communication is well

known to one skilled in the art at the time the invention was made as evidenced by the

teachings of Carmel (at least col. 13, lines 16-24). Therefore, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to

incorporate and implement the use of removing frames of a portion of a composite

stream as this is a very well know method to synchronize an unsynchronized stream or presentation.

As per Claim 16.

Ogdon fails to explicitly disclose using time-scale-modification to remove data from or add data to the media stream. However, the use and advantages for using such a synchronous communication is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Carmel (at least col. 13, lines 16-24). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate and implement the use of removing data frames of a portion of a composite stream as this is a very well know method to synchronize an unsynchronized stream or presentation.

8.   Claims 3-6 and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogdon in view of Sampat further in view of Carmel et al (hereinafter "Carmel", 6,397,230).

As per Claim 3, 14, and 21.

Ogdon and Sampat (hereinafter "The Combination") fails to explicitly disclose compressing a presentation timeline of the media stream. However, the use and advantages for using such a synchronous communication is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Carmel (at least col. 13, lines 25-62). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate and implement the use of

presentation compression of a portion of a composite stream as this is a very well know method to synchronize an unsynchronized stream or presentation.

As per Claim 4 and 22.

The Combination fails to explicitly disclose increasing the speed at which the media stream is rendered. However, the use and advantages for using such a synchronous communication is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Carmel (at least col. 13, lines 4-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate and implement the use of compensating for a delay by increasing speed of a portion of a composite stream as this is a very well know method to synchronize an unsynchronized stream or presentation.

As per Claim 5, 15, and 23.

The Combination fails to explicitly disclose omitting selected frames from the media stream. However, the use and advantages for using such a synchronous communication is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Carmel (at least col. 13, lines 16-24). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate and implement the use of removing frames of a portion of a composite stream as this is a very well know method to synchronize an unsynchronized stream or presentation.

As per Claim 6, 16, and 24.

The Combination fails to explicitly disclose using time-scale-modification to remove data from or add data to the media stream. However, the use and advantages for using such a synchronous communication is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Carmel (at least col. 13, lines 16-24). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate and implement the use of removing data frames of a portion of a composite stream as this is a very well know method to synchronize an unsynchronized stream or presentation.

Response to Arguments

9.   Applicant's arguments, see pp. 7-8, filed 07 September 2004, with respect to the rejection(s)of claim(s) 1-26 and 38 under Ogdon have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Sampat et al.

Conclusion

10.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Newly cited Lauder in addition to previously cited Parasnis et al, Covell et al, Goldhor et al, Kinney et al, Teng et al (synchronizing at the client station), Bhola et al, Gupta et al '326, Moller, Hejna '688, Hejna '949, Craig, Yuang et al, Gupta et al '171 **(obvious-type non-statutory double patenting)**, Hackeny et al, Guo et al, and

Roberts et al are cited for disclosing pertinent information related to the claimed

invention. Applicants are requested to consider the prior art reference for relevant

teachings when responding to this office action.

11.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Gregory G Todd whose telephone number is (571)272-

4011. The examiner can normally be reached on Monday - Friday 9:00am-6:00pm w/

first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Gregory Todd
Patent Examiner

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